

House Amendment 1113

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1 1 Amend Senate File 78, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 9, by inserting after line 29 the
1 4 following:
1 5 <Sec. _____. Section 481A.134, Code 2007, is amended
1 6 to read as follows:
1 7 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE
1 8 LICENSE == POINT SYSTEM.
1 9 The department shall establish rules pursuant to
1 10 chapter 17A providing for the suspension or revocation
1 11 of licenses issued by the department. The rules may
1 12 include procedures for summary cancellation of a
1 13 license based on documentation that the licensee
1 14 failed to pay the applicable fee for the license. For
1 15 purposes of determining when to suspend or revoke a
1 16 license issued by the department under this section,
1 17 the department shall adopt a point system pursuant to
1 18 chapter 17A for the purpose of weighing the
1 19 seriousness of violations of the provisions of this
1 20 chapter or chapter 481B, 482, 483A, 484A, or 484B, or
1 21 of committing trespass as defined in section 716.7
1 22 while hunting deer, other than farm deer as defined in
1 23 section 170.1 or preserve whitetail as defined in
1 24 section 484C.1. The weighted scale may be amended
1 25 from time to time as experience dictates.
1 26 Sec. _____. Section 481A.135, subsections 2, 3, and
1 27 4, Code 2007, are amended to read as follows:
1 28 2. A person who pleads guilty or is convicted of a
1 29 violation of any provision of this chapter or chapter
1 30 481B, 482, 483A, 484A, or 484B, or trespass as defined
1 31 in section 716.7 while hunting deer, other than farm
1 32 deer as defined in section 170.1 or preserve whitetail
1 33 as defined in section 484C.1, while the person's
1 34 license or licenses are suspended or revoked is guilty
1 35 of a simple misdemeanor if the person has no other
1 36 violations within the previous three years which
1 37 occurred while the person's license or licenses have
1 38 been suspended or revoked.
1 39 3. A person who pleads guilty or is convicted of a
1 40 violation of any provision of this chapter or chapter
1 41 481B, 482, 483A, 484A, or 484B, or trespass as defined
1 42 in section 716.7 while hunting deer, other than farm
1 43 deer as defined in section 170.1 or preserve whitetail
1 44 as defined in section 484C.1, while the person's
1 45 license or licenses are suspended or revoked is guilty
1 46 of a serious misdemeanor if the person has one other
1 47 violation within the previous three years which
1 48 occurred while the person's license or licenses have
1 49 been suspended or revoked.
1 50 4. A person who pleads guilty or is convicted of a
2 1 violation of any provision of this chapter or chapter
2 2 481B, 482, 483A, 484A, or 484B, or trespass as defined
2 3 in section 716.7 while hunting deer, other than farm
2 4 deer as defined in section 170.1 or preserve whitetail
2 5 as defined in section 484C.1, while the person's
2 6 license or licenses are suspended or revoked is guilty
2 7 of an aggravated misdemeanor when the person has had
2 8 two or more convictions within the previous three
2 9 years which occurred while the person's license or
2 10 licenses have been suspended or revoked.>
2 11 #2. Page 10, by inserting after line 17, the
2 12 following:
2 13 <Sec. _____. Section 716.7, subsection 2, paragraph
2 14 a, Code 2007, is amended to read as follows:
2 15 a. Entering upon or in property without the
2 16 express permission of the owner, lessee, or person in
2 17 lawful possession with the intent to commit a public
2 18 offense, to use, remove therefrom, alter, damage,
2 19 harass, or place thereon or therein anything animate
2 20 or inanimate, or to hunt, fish or trap on or in the
2 21 property, including the act of taking or attempting to
2 22 take a deer, other than a farm deer as defined in
2 23 section 170.1 or preserve whitetail as defined in
2 24 section 484C.1, which is on or in the property by a

2 25 ~~person who is outside the property.~~ This paragraph
2 26 does not prohibit the unarmed pursuit of game or
2 27 ~~fur-bearing fur=bearing animals by a person who~~
2 28 ~~lawfully injured or killed the game or fur=bearing~~
2 29 ~~animal which come comes to rest on or escape escapes~~
2 30 to the property of another.
2 31 Sec. _____. Section 716.8, Code 2007, is amended by
2 32 adding the following new subsection:
2 33 NEW SUBSECTION. 5. A person who commits a
2 34 trespass as defined in section 716.7, subsection 2,
2 35 paragraph "a", and takes a deer, other than a farm
2 36 deer as defined in section 170.1 or preserve whitetail
2 37 as defined in section 484C.1, shall also be subject to
2 38 civil penalties as provided in sections 481A.130 and
2 39 481A.131. A deer taken by a person while committing
2 40 such a trespass shall be subject to seizure as
2 41 provided in section 481A.12.>
2 42 #3. By renumbering as necessary.
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